

1 SENATE BILL NO. 194

2 INTRODUCED BY K. REGIER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO MISDEMEANOR PROBATION
5 OFFICERS; PROVIDING THAT A MISDEMEANOR PROBATION OFFICER WHO IS NOT PUBLICLY
6 EMPLOYED MAY ORDER THE ARREST OF AN OFFENDER; AND AMENDING SECTION 46-23-1005,
7 MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 46-23-1005, MCA, is amended to read:

12 **"46-23-1005. Misdemeanor probation offices -- misdemeanor probation officers -- costs.** (1) A
13 local government may establish a misdemeanor probation office associated with a justice's court, municipal
14 court, or city court. The misdemeanor probation office shall monitor offenders for misdemeanor sentence
15 compliance and restitution payments. An offender is considered a fugitive under the conditions provided in 46-
16 23-1014.

17 (2) A local government may appoint or contract with a private Montana entity for the provision of
18 misdemeanor probation officers and other employees necessary to administer this section. Misdemeanor
19 probation officers:

20 (a) must have the minimum training required in 46-23-1003; and

21 (b) shall follow the supervision guidelines required in 46-23-1011.

22 (3) A ~~publicly employed~~ misdemeanor probation officer may order the arrest of an offender as
23 provided in 46-23-1012.

24 (4) An offender who is convicted of the offense of partner or family member assault under 45-5-206 or
25 of a violation of an order of protection under 45-5-626 and who is ordered to be supervised by misdemeanor
26 probation must be ordered to pay for the cost of the misdemeanor probation. The actual cost of probation
27 supervision over the offender's sentence must be paid by the offender unless the offender can show that the
28 offender is unable to pay those costs. The costs of misdemeanor probation are in addition to any other fines,

1 restitution, or counseling ordered."

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